

REMARKS

I. Status of the Claims

Claims 1-30 were subjected to a restriction requirement, from which claims 1-14 and 27 were selected for this application. Of the selected claims, Claims 1, 2, 6, 10-14 and 27 are rejected. Claims 3-5 and 7-9 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. No new claims have been added or cancelled.

Claims 1 and 27 have been amended. Support for these amendments may be found in the Specification of the instant application on page 36, lines 17 to page 37, lines 2. Accordingly, these amendments contain no new matter. Entry thereof is respectfully requested.

II. The Response

A. Rejections under 35 U.S.C. § 102(b) (Enviropod)

Claims 1, 2, 6, 10, 11, 14 and 27 are rejected under 35 U.S.C. § 102(b) as being anticipated by "Enviropod" (NZ 299114). Specifically, the Examiner contends that "Enviropod discloses an apparatus and a catch basin filtration system comprising: (a) a filter body seen as filtration means (2)..., (b) a filter body support seen as cage means (3)..., (c) an initial high flow bypass, seen as outlet (14)..., and (d) a secondary high flow bypass, seen as overflow opening (13)..." Office Action dated April 14, 2004 at page 2. Applicant respectfully maintains the arguments stated in its previous Office Action Responses.

In a sincere effort to place the claims in allowance, however, Applicant has amended the claims to more particularly describe the invention and to further distinguish over the prior art. As amended, independent claims 1 and 27 now recite, *inter alia*: "... (b) a filter body support dimensioned and adapted to cooperatively engage with said inlet and with said filter body to substantially maintain said filter body in a pre-selected position within said inlet, said filter body support comprising at least one rigid wall and at least one bottom opening;... (c) an initial high flow bypass situated within said filter body support and capable of deflecting the passage of passing excess fluid during periods of high volume fluid flow..."

Enviropod fails to anticipate the referenced claims, as amended. In particular, Enviropod's cage means (3), which the Examiner cites to as being a filter body support, is not dimensioned and adapted to cooperative engage with an inlet and a filter body to substantially maintain the filter body in a pre-selected position within the inlet. Further, Enviropod's cage means (3) does not comprise *at least one rigid wall* and at least one bottom opening. Rather than a rigid wall, the cage means (3) provides for a wired or barred grating. *See* Enviropod at Figures 1 and 3; *see also* WEBSTER'S THIRD NEW INTERNATIONAL DICTIONARY OF THE ENGLISH LANGUAGE UNABRIDGED 313 (1993) (defining "cage" as "a box or enclosure having some openwork (as of wires or bars) esp. for confining or carrying birds or animals"). As such, the cage means (3) of Enviropod's catchpit is distinguishable from the filter body of the present *hard bodied* high capacity catch basin filtration system.

For at least the foregoing reasons, Enviropod fails to include every material element of independent claims 1 and 27. Since claims 2, 6, 10, 11 and 14 all depend from independent claim 1, Enviropod similarly fails to anticipate these dependent claims as well. Accordingly, it is respectfully requested that the Examiner withdraw the rejection for claims 1, 2, 6, 10, 11, 14 and 27. .

B. Rejections under 35 U.S.C. § 102(e) (Wilson)

Claims 1, 2, 6, 10-12, 14, and 27 are also rejected under 35 U.S.C. § 102(e) as being anticipated by Wilson et al (US 6,093,314). Specifically, the Examiner contends that "Wilson discloses an apparatus and a catch basin filtration system comprising: (a) a filter body seen as filter (44)..., (b) a filter body support seen as outer housing (12) and inner sleeve (32)..., (c) an initial high flow bypass, seen as outlets (30)..., and (d) a secondary high flow bypass, seen as grating (57)..." Office Action dated April 14, 2004 at page 4. Applicant respectfully maintains the arguments stated in its previous Office Action Responses.

In addition, Applicant notes that Wilson fails anticipate the referenced claims, as amended, for other reasons. In contrast to the present invention, Wilson provides for an outer housing (12) and inner sleeve (32), which the Examiner cites to as being a filter body support, having a solid bottom wall (22). *See* Wilson at column 5, lines 7-9 (stating that the outer housing 12 has opposed sidewalls, opposed end walls, and a bottom wall 22 which

collectively define a hollow interior). Each of the figures in Enviropod showing this bottom wall (22) depicts a solid construction with no openings. *See id.* at Figures 1, 2 and 5-7. Moreover, the disclosure in Wilson directly suggests that there are no openings in its bottom wall (22) because water must flow across the bottom wall (22) of the outer housing (12) to reach the outlet openings during normal flow. *See id.* at column 7, lines 42-46; *see also id.* at column 7, lines 46-50 (also stating that “debris such as sand, gravel, small stones and the like carried with the run-off water tends to settle along the bottom wall 22 of the drain insert 10.”). In view of these teachings, Wilson fails to disclose a filter body support, as claimed and described in the instant invention.

For at least the foregoing reasons, Enviropod fails to include every material element of independent claims 1 and 27. Since claims 2, 6, 10-12 and 14 all depend from independent claim 1, Enviropod similarly fails to anticipate these dependent claims as well. Accordingly, it is respectfully requested that the Examiner withdraw the rejection for claims 1, 2, 6, 10-12, 14 and 27.

C. Rejections under 35 U.S.C. § 103(a) (Wilson)

Claim 13 rejected under 35 U.S.C. § 103(a) as being unpatentable over Wilson et al (US 6,093,314). In particular, the Examiner contends that “[t]he single filter (44) of Wilson can be viewed as an elongated boom. It would have been obvious to one having ordinary skill in the art at the time the invention was made to have more than one boom,...” Office Action dated April 14, 2004 at page 5. Applicant submits that claim 13, in view of the proposed amendment to claim 1, is distinguishable over Wilson for at least the reasons cited above. As such, Wilson fails to render the referenced claim obvious. It is respectfully requested that the Examiner withdraw the rejection for claim 13.

CONCLUSION

In view of the foregoing amendments and remarks, the Applicants believe that the application is in good and proper condition for allowance. A Notice of Allowance is earnestly requested. If, in the opinion of the Examiner, a telephone conference would expedite the prosecution of the subject application, the Examiner is encouraged to call the undersigned at (213) 829-1800. Should any fees under 37 C.F.R. §§ 1.16 to 1.21 be required for any reason, the Commissioner is authorized to deduct said fees from the deposit account of Howrey Simon Arnold & White LLP, Deposit Account No. **08-3038**, referencing Docket No. **11533.0012.CPUS04**.

Respectfully submitted,

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Heather H. Fan
Heather H. Fan, Reg. No. 51,664
Glenn W. Rhodes, Reg. No. 31,790

HOWREY SIMON ARNOLD & WHITE, LLP
550 South Hope Street, Suite 1100
Los Angeles, California 90071
Ph. (213) 892-1800